

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CV 12-0845 JH/KBM
CR 11-2675 JH

PORTER MOORE III,

Defendant.

ORDER

This matter is before the Court, *sua sponte* under rule 4(b) of the Rules Governing Section 2255 Cases, to review Defendant's motions to vacate, set aside, or correct sentence (CV Docs. 1, 4, 5; CR Docs. 41, 43, 44). The Court has reviewed the motions and will order the United States to answer Defendant's second amended motion (CV Doc. 5; CR Doc. 44). *See Miller v. Glanz*, 948 F.2d 1562, 1565 (10th Cir. 1991) ("[T]he amended complaint supersedes the original."); *Franklin v. Kansas Dep't of Corr.*, 160 F. App'x 730, 733 (10th Cir. 2005) (same).

IT IS HEREBY ORDERED that the Clerk is directed to forward to the United States Attorney a copy of Defendant's second amended motion to vacate, set aside, or correct sentence (CV Doc. 5; CR Doc. 44) and supporting papers and exhibits, if any, together with a copy of this Order;

IT IS FURTHER ORDERED that, within twenty-three (23) days from entry of this Order, the United States answer Defendant's second amended motion to vacate, set aside, or correct sentence.



UNITED STATES CHIEF MAGISTRATE JUDGE